



CLERK OF COURT
LAFAYETTE PARISH, LA
STATE OF LOUISIANA * DOCKET NOS.: 2016-CR-~~458425~~
2019 JUN 27 AM 8:45 2016-CR-158060 159455
* 15TH JUDICIAL DISTRICT COURT
VERSUS * PARISH OF LAFAYETTE
* STATE OF LOUISIANA
BRIAN POPE

**MOTION FOR POST-CONVICTION
& SENTENCING BAIL**

NOW INTO COURT, through undersigned counsel, comes the Defendant Brian Pope, who, pursuant to Louisiana Code of Criminal Procedure Article 312 (F), moves this Court to set Post-Conviction bail:

1.

In the above captioned case, Brian Pope was sentenced by this Court on June 20th, 2019. The Court sentenced Mr. Pope to a 3-year sentence, all of which was suspended except for one year, which the Court ordered Mr. Pope to serve in the Lafayette Parish Prison. The Court also ordered restitution, Court costs, and community service.

2.

This Court gave Mr. Pope a self-surrender date of June 28th, 2019 at 12 o'clock noon.

3.

Louisiana Code of Criminal Procedure Article 312 (F) reads: "After sentence, and until final Judgment, bail **shall** be allowed if a sentence of 5 years or less is actually imposed."

4.

As this Court is aware, Mr. Pope has been out on bond for the duration of this case. He has never missed a Court date and has violated no conditions of bond.

5.

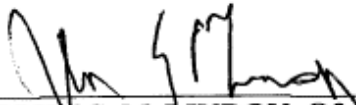
Based on the above, including the fact that the entitlement to bail after sentence for a sentence of less than 5 years is mandatory, Mr. Pope requests that the Court set a post-conviction bail bond while Mr. Pope pursues his appeal with the Third Circuit Court of Appeal.

The District Attorney's Office opposes this Motion.

**RESPECTFULLY SUBMITTED
BY ATTORNEYS:**



BRETT L. GRAYSON
Bar Number 06268
130 Rue Beauregard, Suite A
Lafayette, LA 70508-3130
Phone: (337) 706-7646
Fax: (337) 706-7648
Email: blgraysonesq@gmail.com



JOHN S. McLINDON, Of Counsel
Walters Papillion Thomas Cullens, LLC
Bar Roll No. 19703
12345 Perkins Road, Bldg. 2, Ste. 202
Baton Rouge, LA 70810
Phone: (225) 408-0362
Fax: (225) 236-3650
E-mail: mclindon@lawbr.net

CERTIFICATE OF SERVICE

I certify that a copy of this document was () mailed (X) faxed and mailed

() e-mailed () hand-delivered or () caused to be delivered by placement in the District

Attorney's box at the Clerk of Court's office for distribution to the ADA assigned to the case on

the 24 day of June, 2019.


JOHN S. MCLINDON

STATE OF LOUISIANA

*

DOCKET NOS.: 2016-CR-158425
2016-CR-158060

*

15TH JUDICIAL DISTRICT COURT

VERSUS

*

PARISH OF LAFAYETTE

BRIAN POPE

*

STATE OF LOUISIANA

ORDER

CONSIDERING THE FOREGOING MOTION, it is hereby ORDERED that pursuant to Louisiana Code of Criminal Procedure Article 312 (F), this Court sets the post-conviction bond of Brian Pope in the amount of \$_____.

Lafayette, Louisiana, this _____ day of June, 2019.

HONORABLE JUDGE DAVID SMITH
15TH JUDICIAL DISTRICT COURT

C: DA ATTY

LAW OFFICES OF
JOHN S. McLINDON

JOHN S. McLINDON
mclindon@lawbr.net

BRANT M. MAYER
brantmayer@lawbr.net

phone: 225.408.0362 fax: 1.877.241.2631
12345 Perkins Road
Building Two, Suite 202
Baton Rouge, Louisiana 70810
www.lawbr.net

Of Counsel



WALTERS, PAPILLION,
THOMAS, CULLENS, LLC
ATTORNEYS AT LAW

June 24th, 2019

Louis J. Perret
Clerk of Court
15th Judicial District Court
ATTN: Criminal Records
P.O. Box 2009
Lafayette, Louisiana 70502

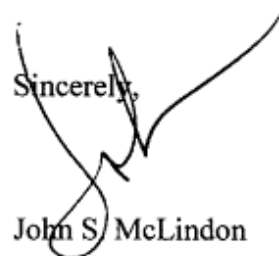
CLERK OF COURT
LAFAJETTE PARISH, LA
2019 JUN 27 AM 8:45

RE: State of Louisiana v. Brian Pope, Docket NO. 16-CR-159455, Track 2, 15th Judicial District Court, Parish of Lafayette, State of Louisiana

Dear Sir or Madam:

Enclosed is the original and one copy of a Motion for Post-Conviction & Sentencing Bail in the above captioned case. I would appreciate your filing this and forwarding it to Judge Smith for his signature. Thank you.

Sincerely,


John S. McLindon

JSM/bn
Enclosure
CC: Judge David Smith (Via Fax: 337-788-8814)
Brett Grayson
ADA Alan Haney